IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.7202 of 2007

Between:

M/s.Artos Breweries Limited,
Ramachandrapuram, rep. by
Mr.V.S.S.Babjio, Authorised Signatory,
Hyderabad.

..... PETITIONER

AND

1.The State of Andhra Pradesh,
rep. by the Commissioner of Commercial Taxes,
A.P., Nampally, Hyderabad and 6 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.7202 of 2007

ORDER: ***(Per Hon'ble Sri Justice Bilal Nazki,)***

An order imposing penalty on the petitioner has been passed by the fourth respondent-authority on 28-03-2007. The Petitioner has filed an appeal along

with an application for grant of stay before the third respondent-appellate authority, but the appeal has not so far been numbered and taken up for consideration by the third respondent. In the meantime, the respondent-authorities are trying to recover the penalty amount and issued notices.

Heard the learned Counsel for the parties and with their consent, the matter is being disposed of at the stage of admission.

Since the appeal against the imposition of penalty and an application for stay are pending before the third respondent-appellate authority, we feel that the recovery of the penalty amount, at this stage, would not be fair.

Therefore, we dispose of the Writ Petition with a direction that there shall be stay of recovery of the penalty amount till disposal of the stay application pending before the third respondent subject to the condition that the petitioner deposits the amount equivalent to 25% of the disputed liability within a period of six weeks from today. No costs.

(Bilal Nazki, J)

10th April, 2007

(Nooty Ramamohana Rao, J)

Note:
Wire at party's costs.
B/o
LUR